

Federal Court



Cour fédérale

NOTICE TO THE PROFESSION

TO: Parties and Members of the Legal Profession
FROM: The Honourable Paul Crampton, Chief Justice
DATE: February 6, 2015
RE: Pilot Project for Access to Digital Audio Recordings of Federal Court Proceedings

Federal Court hearings are now routinely recorded using a digital audio recording system (DARS). This does not apply to hearings for which a transcript will be prepared by a court reporter, case management conferences or hearings by teleconference, which may be recorded in the Court's discretion.

The Court is developing a framework within which copies of audio recordings will be available to parties, representatives of the media and members of the public. In the interim, as a transition measure, requests for a copy of an audio recording of a hearing shall be made as described below. Subject to the discretion of the presiding judicial officer, copies of audio recordings will be made available upon request to one representative of each of the parties and each media organization. In the case of requests made by members of the public, including third-parties with no direct interest in the proceeding, the final decision as to whether the recording will be made available will rest with the presiding judicial officer. Where there are access restrictions applicable during the hearing (e.g., as a result of a confidentiality Order), the protected information will, *where practicable*, be redacted from the audio recording so as to allow for access. It will not be released if it is impracticable to redact the protected information.

Exceptionally, there may also be situations where protected communications (e.g., between solicitor and client) are *inadvertently* recorded. Parties and their legal counsel should exercise prudence when engaging in private discussions close to the hearing room microphones, which are sensitive. *Any concerns with respect to a recording should be brought as soon as possible to the attention of the Court.*

Request Process – Complete the form in the Annex and submit it to the Registry (in person or by fax). See the *Contact Us* page of the Court web site (www.fct-cf.gc.ca) to find your local Registry office. The Registry will be in touch once the copy is available. Amendments to the [Federal Courts Rules](#) provide, under new subsection 1(4) of Tariff A, that a person requesting a digital recording of all or part of any day of a proceeding from the Registry shall pay \$15 per recording.

Restrictions on Use of Audio Recordings of Federal Court Proceedings – Copyright in audio recordings shall vest in and remain the property of *Her Majesty the Queen in Right of Canada*. Broadcast or distribution of any audio recording of Federal Court proceedings *without the Court's written consent* is prohibited.

Transcript for an Appeal – If a party intends to have a transcription of a hearing prepared *in order to place it on the Court record for an appeal*, a qualified transcription service should be used. Note that the party requesting a transcript normally bears the cost.

If a stenographer (also known as a Court reporter) was present at the Court hearing: the stenographer should be contacted to prepare the transcript. Contact the Registry or see the online Court docket (see *Court Files* menu item on Court web site at www.fct-cf.gc.ca) to find the contact information for the stenographer.

If no stenographer was present at the Court hearing: a transcription from the DARS recording may be prepared by a qualified audio transcriber. The Registry will forward the disk to a Court reporting service and provide contact information to the party making the request.

Annex - Request for Copy of Audio Recording of a Federal Court Hearing

Requester		
Surname:	Given name:	Title:
Organization (if applicable):		
Street Address:		
City:	Province:	Postal Code:
Telephone number:	E-mail Address:	
Hearing requested:		
Court File Number:		
Case name:		
Date(s) of Hearing:		
Presiding Judge/Prothonotary:		
Purpose of Request:		
<input type="checkbox"/>	Appeal – for preparation of a transcript	
<input type="checkbox"/>	Media coverage (non-broadcast) – verification of notes, etc.	
<input type="checkbox"/>	Media coverage (broadcast) – for requests to broadcast the audio recording in whole or in part, please provide a description of the intended broadcast use for review by the Court. _____ _____ _____	
<input type="checkbox"/>	Other _____ _____	

Restrictions on Use of Audio Recordings of Federal Court Proceedings

Copyright – Copyright in audio recordings shall vest in and remain the property of Her Majesty and shall be marked with the following notice (either printed on the physical storage medium or in the file name): © HER MAJESTY THE QUEEN IN RIGHT OF CANADA (year). Parties and representatives of the media may make 2 additional copies of a recording, which shall bear the same notice. Members of the public shall not make any such copies. Broadcast or distribution of an audio recording of Federal Court proceedings *without the Court’s written consent* is prohibited.

Signature _____

Date _____